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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,980

07/21/2006

Kristian Skannerup

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9287

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

09/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,980	Applicant(s) SKANNERUP, KRISTIAN	
	Examiner JIMMY T. NGUYEN	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/1/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

Receipt is acknowledged of an Information Disclosure Statement (I.D.S.), filed July 21, 2006, which I.D.S. has been placed of record in the file. An initialed, signed, and dated copy of the form PTO-1449 is attached to this Office action.

Specification

The disclosure is objected to because it fails to include section headings.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Objections

Claims 2, 3, 4, and 6 are objected to because of the following informalities:

Regarding claim 2, line 3, "(4) and (5)" should be changed to -- (4 and 5) -- .

Regarding claim 3, line 7, "the cylinder sections (5) and (6)" should be changed to -- the second and third cylinder sections (5 and 6) --.

Regarding claim 4, line 4, "cylinder section" should be changed to -- third cylinder section --.

Regarding claim 6, line 5, the punctuation mark, "." should be changed to -- , --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in general, the claim includes broad limitations followed by linking terms such as preferably, can be, .. and narrow limitations within the broad limitations, which are

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considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. It is suggested that claim 1 be rewritten as follows for more clearly define the claimed invention:

“A pressing cylinder (1) for use in a refuse compressor for compression of refuse, the pressing cylinder is oriented vertically, a bottom of the pressing cylinder is coupled to a pressing plate (2) and a top of the pressing cylinder is coupled to a top plate (3), which is fixed in a frame, the pressing cylinder is configured to activate the pressing plate in its upward and downward directions, the pressing cylinder comprising:

three cylinder sections, a first and lowest cylinder section (4) of the cylinder sections having its bottom fixed to the pressing plate (2), a second and intermediate cylinder section (5) of the cylinder sections is displaced telescopically in a longitudinal direction in the first cylinder section (4), and a third and upper cylinder section (6) of the cylinder sections having its top attached to the top plate (3) and the second cylinder section is displaced telescopically on the third cylinder section(5), the third cylinder section (6) is embodied with a bottom plate (7) at a bottom thereof which together with the third cylinder section (6) and the top plate (3) delimits a closed hollow space (8) in the third cylinder section (6), an approximately cylinder-shaped bendable rubber diaphragm (9) disposed internally in the pressing cylinder, and the rubber diaphragm having one end clamped to a periphery of the bottom plate (7) and an opposing end clamped at the pressing plate (2) and at a bottom of a cylinder barrel of the first cylinder section, whereby internally in the pressing cylinder an airtight space (10) is created between the bottom plate (7), the pressing plate (2) and the diaphragm (9), and that the bottom plate (7) is embodied with an inlet opening (11) for a compression air, so that the compressed air is admitted to

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the airtight space (10) through a pipe (12) from a three-way valve (13), which in a first position opens for compressed air from a compressor (14), and in a second position opens the air tight space (10) to the atmosphere, and an extension spring (15) having one end connected to the bottom plate (7) and an opposite end connected to the pressing plate (2) internally in the pressing cylinder, the extension spring contracts the first and second cylinder sections (4,5) at the end of a working stroke.”

Regarding claim 3, there is no antecedent basis for the limitations, “the segments” (lines 2-3), and “the direction” (line 5) in the claim.

Regarding claim 3, line 4, the phrase, “for example” renders the claim indefinite because the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. *Ex Parte Hasche*, 86 USPQ 481.

Regarding claim 4, lines 5-6, there is no antecedent basis for the limitation, “the edge” in the claim.

Regarding claim 4, line 12, the phrase, “preferably” renders the claim indefinite (see above).

Regarding claim 6, there is no antecedent basis for the limitations, “the bottom” (line 2), “the top side” (line 8), “the clamping plate” (line 8), and “the springs” (the last line) in the claim.

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Allowable Subject Matter

Claims 1-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant pressing cylinders with US 3,514,969 is being the closest reference to the instant invention, but one end of the membrane (55) this reference does not clamp to the bottom plate of the third cylinder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
September 12, 2008

/Jimmy T Nguyen/
Primary Examiner, Art Unit 3725